

b7c No interviews with possible co-conspirators are set forth at this time because Chicago is attempting to confirm LEAHY's allegations from non-Weatherman sources. At a future time, Chicago will set out leads for interview of some of these Weatherman co-conspirators whom Chicago believes may cooperate, particularly [redacted] who are apparently settled, no longer directly involved in Weatherman, and would have the most to lose by possible conviction and incarceration.

A few of the above leads may appear to have more Weatherman intelligence value than evidentiary value, but Chicago believes that they are such an integral part of this case they should be covered in this caption. Close coordination between this case and Weatherman/Weathering cases is maintained.

Numerous discussions between Chicago Division; USA, Chicago; and Departmental Attorneys, are summarized as follows:

All parties are agreed that the LEAHY interview provides the basis for some Federal action against culpable principals and conspirators in this and other matters. All parties seem equally concerned that substantive cases be developed which will preclude any criticism of the Bureau, USA, or Department, especially because of "political" overtones of case, namely the so-called persecution of the New-Left by governmental agencies. Also, other problems include the determination of which case or cases provide the best vehicle for prosecution and which venue would be most appropriate, which decision is apparently to be made by the Department in conjunction with the several USAs involved. Possibilities for prosecution as discussed include these:

LEAHY, ET AL, Passport Fraud Conspiracy, Venue Chicago.

[redacted] ET AL, under Accessory after the Fact Statute, Escape and Rescue Statute (particularly Title 18, Section 752), and/or Obstruction of Justice,

Venue Los Angeles or San Francisco. As recipients are aware, LEARY while incarcerated in custody of California Department of Corrections, was under Federal Detainer, and the wording of Section 752 appears applicable to this situation; possibly the other above statutes cited may also apply.

b7C [REDACTED] ET AL, under Harboring Statutes, for their aid and assistance to Federal fugitives [REDACTED], and [REDACTED] while they were at the [REDACTED] farm-house (see LEARY interview) [REDACTED] Venue Seattle.

[REDACTED] ET AL, under Harboring Statutes for Harboring LEARY, who was under Federal Detainer, Venue Los Angeles, San Francisco, Portland, Seattle, or Chicago. This apparently depends on the actual wording of the Federal Sentencing and Commitment Order regarding LEARY, namely was LEARY actually designated to be in the custody of the United States Attorney General while in California Penal System.

Obviously these legal decisions must be made by respective USAs and the Department, and are outlined above only for information of Bureau and interested offices.

The Bureau may wish to discuss the facts and possible applicable statutes with the Bureau Office of Legal Counsel so that the Bureau will be in a position to comment when/if the matter of venue and statutes is broached.

Chicago has set out above investigation and will continue to maintain office of origin control as this division as office of origin in Weatherman/Weathering appears to be in the best position to coordinate, until the Department reaches some decision regarding whether or not this and other possible violations will in fact be prosecuted, and if so, where.

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The United States Department of State (USDS) has previously prepared an investigative report regarding the fraudulent application for passports at Chicago of [REDACTED] TIMOTHY [REDACTED] which contains the basic evidence and Department of State investigation regarding [REDACTED]. Both USA, Chicago and through USA, Chicago, the Department have copies of instant USDS investigation. This report is not included in instant FBI report for reasons of brevity, and because USDS has specifically withheld from the FBI jurisdiction regarding the prosecution [REDACTED] TIMOTHY [REDACTED]

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Deputy Assistant Attorney General KEVIN T. MARONEY, on July 24, 1974, authorized [REDACTED] effective July 24, 1974. [REDACTED]

Deputy Assistant Attorney General MARONEY [REDACTED]

LEARY has requested that he be furnished an attorney to represent his interest (not specified) in this matter to the United States Government. The USA, Chicago, has consequently prohibited any contact by any United States investigative agency with LEARY in this matter until representation for him is arranged which is apparently to be accomplished by the Department. When such permission is

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 received. SAC, Chicago SAC [redacted] will travel to Sandstone, Minnesota, to display additional photos to LEARY, and to further question him regarding numerous details which have arisen since his original interviews. This travel will be coordinated with USA's Office, Chicago, which also intends to send AUSA to interview LEARY, possibly in conjunction with a Departmental Attorney. Bureau and SAC, Minneapolis will be advised by nitel prior to any travel.

Chicago feels that LEARY may well be able to identify the A-frame house and park in Northern California where he first met the Weatherfugs. As a permanent residence was apparently being established, it is very conceivable that such may still be in use as a Weatherman safe-house. Consequently, at a future date, the Bureau, Department, and Bureau of Prisons should carefully consider possibility of having LEARY temporarily released from confinement to re-trace his escape route in northern California particularly to identify this residence.

Regarding the LEARY letters received from Los Angeles, it is noted that the majority of the letters are photostatic copies of originals the current location of which is unknown, but is under investigation. As the photostatic copies are relatively poor, and as the handwriting is likewise poor, transcriptions of the handwritten letters follow the Los Angeles FD-302 below (see Details #5) rather than copies of the documents themselves. The photostatic copies and few originals received from the Los Angeles Division are maintained in the Chicago Division, FBI.

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RJL: Okay.

JU: Who did most of the planning for your departure in Seattle?

TL: [REDACTED]

JU: What did he do?

TL: Well we were very busy. They wanted, there was some talk about making movies so they had a movie maker come up from Berkeley to be with us for about a day, and, he brought Berkeley papers and he brought San Francisco papers. Oh, yeah, they, they, I haven't told you this that the night in the, in the mountains with [REDACTED] they had me write a little statement thanking the Weathermen for the escape and they said they were going to deliver that in a letter to some Los Angeles and San Francisco paper and they were going to use rubber gloves so there would be no fingerprints on it, to make public the, their role in the escape.

RJL: Now [REDACTED] according to your account, seemed to be doing the planning or the discussing or kind of putting it together for your subsequent departure from Seattle.

TL: Yeah.

RJL: What in substance then if you recall did he discuss with you?

TL: Well the second night, that would be Wednesday night, Wednesday afternoon as well, they had all these identifications and the question was to build up an I.D. so that I could get a passport. [REDACTED] already had her passport.

RJL: Under an assumed name?

TL: Yeah.

RJL: Different name?

RL: And the Weathermen had given [REDACTED] the birth certificate and the necessary documentation for her to get the, her passport.

## FEDERAL BUREAU OF INVESTIGATION

|                                                                                       |                                    |                                               |                                                   |
|---------------------------------------------------------------------------------------|------------------------------------|-----------------------------------------------|---------------------------------------------------|
| REPORTING OFFICE<br><b>CHICAGO</b>                                                    | OFFICE OF ORIGIN<br><b>CHICAGO</b> | DATE<br><b>NOV 3 1975</b>                     | INVESTIGATIVE PERIOD<br><b>9/11/75 - 10/21/75</b> |
| TITLE OF CASE<br><b>TIMOTHY FRANCIS LEARY, JR., aka,<br/>ET AL</b>                    |                                    | REPORT MADE BY<br><b>SA [REDACTED] b7c</b>    | TYPED BY<br><b>jmp</b>                            |
| ALL INFORMATION CONTAINED<br>HEREIN IS UNCLASSIFIED<br>DATE 4/3/84 BY SP-4 [REDACTED] |                                    | CHARACTER OF CASE<br><b>UFAC - CONSPIRACY</b> |                                                   |

ADMINISTRATIVE

This report delayed awaiting resolution of LEARY's reduction of sentence/probation informal hearing before Judge CONNALLY, Southern District of Texas, Houston, Texas.

On 10/21/75, U.S. Department of Justice Attorney DANIEL FROMSTEIN advised that on 10/20/75, himself, [REDACTED] attorney for LEARY, and a representative of the USA, Houston, appeared before Judge CONNALLY in chambers. [REDACTED] outlined LEARY's family situation and personal considerations to Judge CONNALLY, and FROMSTEIN provided other information concerning LEARY's cooperation with the FBI including details of his cooperation included in a letter

| ACCOMPLISHMENTS CLAIMED |      |       |          | ON HOME   | ACQUIT-<br>TALS | CASE HAS BEEN:                                                                                                                                                                                       |
|-------------------------|------|-------|----------|-----------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CONVIC.                 | FUG. | FINES | REVENUES | RECOVERED |                 | PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br>PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
|                         |      |       |          |           |                 |                                                                                                                                                                                                      |

APPROVED

COPIES MADE:

- ① - Bureau (40-84731)  
1 - Dept. Atty. DANIEL FROMSTEIN,  
U.S. Department of Justice  
1 - USA, Chicago  
(Attn: AUSA SCHILLING)  
1 - Houston (Info)  
2 - San Francisco (1 - USA JAMES BROWNING)  
1 - Chicago (40-66)

SPECIAL AGENT  
IN CHARGE

DO NOT WRITE IN SPACES BELOW

40-84731-368

REC-25

7 NOV 1975

| Dissemination Record of Attached Report |                                  |
|-----------------------------------------|----------------------------------|
| Agency                                  | ICC, [REDACTED] attn: [REDACTED] |
| Request Recd.                           | ICC 44-78-94                     |
| Date Fwd.                               | 11/11/75                         |
| How Fwd.                                | RAMPA [REDACTED]                 |
| By                                      | [REDACTED]                       |

Mutations

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[REDACTED]EXP. PROC.  
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(of which the Bureau is aware) from SAC, Chicago, to USA, Houston. CONNALLY advised that he would reach some decision concerning LEARY within two weeks.

If not already done, San Francisco is requested to advise USA BROWNING of above action.

Per request of FROMSTEIN, all evidence in this matter is to be maintained by FBI, San Francisco.

RJL: Okay, you probably seen his picture but I'll show it to you again, it's a picture of [REDACTED], can you identify that photograph?

TL: Yes, I believe this is the man who drove the camper from Morro Bay to San Francisco and from San Francisco to Seattle after my escape in September, 1970 . . .

RJL: When we first started talking about this and this is the man who told you that he was active in the P.L.

TL: That's right.

RJL: And had acted as a sort of counselor or adviser to the Weather people, that's in substance is the conversation you had with him?

TL: Yes sir.

RJL: Okay, [REDACTED]

(BELOW STATEMENT OCCURRED IN MIDDLE OF AN INTERVIEW BUT IS INCLUDED HERE FOR CLARITY).

TL: I'd like to discuss my motives, briefly in what I'm doing. Number one, I want to get out of prison as quickly as I can. And I believe that telling the total truth is the best way to get out of prison. I don't want to continue in a situation where hiding the truth is keeping me in prison. That doesn't make any sense to me personally, or philosophically. Secondly, I feel I have a great deal to contribute constructive, ah, activities in the United States of America. I'd like to use this as step number one, in seeing if I can work out a collaborative and an intelligent, an honorable relationship with different Government agencies and law enforcement agencies, and educational agencies, so this does not just turn someone over to get out of prison, it's part of a longer range plan of mine, I'm in full possession of my faculties, I think I can contribute a great deal, I've learned a great deal, and I intend to be extremely active in this country in the next few years, however, the things turn out. I prefer to work, I'm never going at it illegally ever again, but I would prefer to work constructively and collaboratively with intelligence and law enforcement people that are ready to forget the past, and to use my, in the future, because I still have a great deal to say in this country, I believe.

DS: So they were in agreement on that. He considered himself to be just what they considered him to be.

TL: There's no question in my mind.

DS: The legitimate or if you can call that legitimate, if you can call it legitimate . . .

TL: The above ground.

DS: The above ground.

TL: The over ground.

DS: Yeah.

TL: Yes, because there were, for example, yeah, it was also settled that it's hard for me to remember some people for example every time I would see [REDACTED] he would say your friends and their love. Well, everybody knew and once I called [REDACTED] from Algiers and, it would be very easy to trace the date of this because it was (unintelligible), he said, heavy weather in San Francisco and I said oh, yeah? And he said yeah, uh, they bombed, and he was talking about (unintelligible) after Cambodia, but you see there was continual, it was woven into the texture, fabric of our conversation and he was definitely, conduit from the Weathermen.

JU: Okay.

DS: Did you, you've mentioned numerous Weathermen so far, is it correct to assume that each one of them knew your true identity and also that you had just escaped from prison and that they were aiding in your escape?

TL: Oh, no question about it.

DS: I mean you're positive that everyone that you met, that you described to us so far were fully aware that they were helping a fugitive escape from prison and that they knew who you were? You mentioned that maybe you didn't, you didn't know until after [REDACTED] left who, who she was and she was in fact [REDACTED], but you're quite sure they knew who you were. Is that correct?

TL: The only ones that I wouldn't be very certain about would be the couple that were living in the Seattle farm house who were there and disappeared, but . . .

DS: Everyone else though . . .

TL: Yeah, clearly. Oh, yes, because for example, well, [REDACTED] had me write a statement with them.

DS: Right.

TL: And when we were in the little picnic ground, we were listening to radio reports of the escape and we heard that Lieutenant from CMC West saying, well, it's an escape without force and, that sort of thing so, and also they were bringing up clippings from the Berkeley Barb and they brought in the big headline from the Examiner and everyone in the farm house was looking, you know . . .

US: TIM, did I understand you correctly when you said that your conversations with [REDACTED] (unintelligible) while you were in Algiers that [REDACTED] said the Weathermen blew up the Sacramento Office of the Department of Corrections?

TL: Yeah, well, he didn't say it, yeah, he said heavy weather yesterday, the offices were bombed.

DS: When you escaped, from the time you escaped to the time you flew out of Chicago, what false identification did you have?

TL: As soon as I got in the car after being picked up, I was given an I.D. I believe it was MC NELLIS' but I'm not sure. They said your name is so and so and this is your address.

JU: This was right after you got out of prison.

TL: The second I got in the car, yeah, and they gave me a wallet and they gave me something, I don't think that was MC NELLIS' I.D. They gave me an I.D. and a wallet and, the works in case we were stopped.

DS: Yeah, did you have a driver's license in that, in that group.